

## **REMARKS**

### **Status of the Claims:**

In the final Office Action dated September 12, 2005 the Examiner rejected claims 1, 3-6, 10-15, and 23-25. Also, claims 2, 9, and 16-22 were allowed.

### **Claim 7**

No mention of claim 7 was made in the final Office Action. However, claim 7 is pending.

Claim 7 was rejected in the first Office Action under 35 USC § 102(e) as being anticipated by Ichikawa, and in response was amended. The rejection was dropped in the final Office Action. Also, a portion of claim 7 was indicated to be allowable subject matter on page 11 of the final Office Action. Thus, it appears that claim 7 is allowed.

### **Claim Rejections - 35 USC § 102**

Claims 1, 3, 4, 8, 23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ueda et al. (6429923).

### **Claim Rejections - 35 USC § 103**

Claims 6, 10-15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (6429923).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (6429923) in view of Golasinski et al. (2003/0097332).

### **Response under 35 CFR 1.116**

Claims 1, 3, 6, 10, and 11, are proposed to be amended. Claims 8 and 12 are cancelled. New claims 26 and 27 are added.

This response seeks to convince the Examiner to remove the final rejection, or failing that to place the amended claims in better form for appeal.

**The proposed amendment to claims 1, 3, 6, 10 and 11, and adding claims 26 and 27, should be entered. Also, the claims should be allowed**

The proposed amendment to claims 1, 3, 6, 10, and 11, and adding new claims 26 and 27, does not does not raise new issues that require further consideration and/or search as will be realized from the comments below.

#### Claim 1

In rejecting previously presented claim 1, the Examiner indicates that he "has viewed the claim broadly and views the portable imaging device as a device which is capable of being moved" and that "The claim does not state that the imaging device has to be a size small enough for a service provider to carry the imaging device by hand". Claim 1 as proposed to be amended takes this into account by reciting " the portable imaging device being of a size small enough for the service provider to carry the portable imaging device by hand". Thus, the proposed amendment to claim 1 should be entered and the amended claim should be allowed.

#### Claims 3 and 6

Claims 3 and 6 as proposed to be amended depend on allowed claim 2. Thus, the proposed amendment to claims 3 and 6 should be entered and the amended claims should be allowed.

#### Claims 10 and 11

In rejecting previously presented claims 10 and 11, the Examiner indicates that he "has viewed the claim broadly and views the portable imaging device as a device which is capable of being moved" and that "The claim does not state that the imaging device has to be a size small enough for a service provider to carry the imaging device by hand". Claims 10 and 11 as proposed to be amended take this into account by reciting "the portable imaging device being of a size small enough for the service provider to carry the portable imaging device by hand".

Claim 10 as proposed to be amended calls for the fulfiller that produces the image product to provide a credit to the service provider for some of the fee associated with producing the digitized image using the portable imaging device. Alternatively, claim 11 calls for the sponsor, rather than the fulfiller (support at page 18, line 17, in the application), to provide the credit. In this connection, the Examiner takes Official Notice that it was common in the art at

the time the claimed invention was made for a convenience store that receives a film cartridge with exposed film from a customer, and then sends the cartridge with film to a photofinisher who produces an image product, to split the developing charge paid by the customer at the convenience store. However, this is not analogous to the fulfiller in claim 10 that produces the image product, or a sponsor in claim 11 who is not the fulfiller, to provide "a credit to the service provider for some of the fee associated with the service provider producing the digitized image using the portable imaging device" as called for in claims 10 and 11. In the Official Notice, there is no fee for collecting the cartridge; nor is there a credit. The only fee is the developing charge. By contrast, claim 10 calls for a credit for producing the digitized image, as opposed to splitting a fee in regard to producing the image product. Moreover, claim 11 expands on this by calling for the sponsor, not the fulfiller that produces the image product, to provide the credit for producing the digitized image. Thus, the proposed amendment to claims 10 and 11 should be entered and the amended claims should be allowed.

#### New Claims 26 and 27

New claims 26 and 27 are the same as the allowable subject matter the Examiner described on page 11 of the final Office Action. Thus, the proposed amendment adding new claims 26 and 27 should be entered and the claims should be allowed.

#### Conclusion

Favorable reconsideration of this application, as presently amended, is respectfully requested.

In view of the foregoing comments, it is submitted that the inventions defined by each of claims are patentable, and a favorable reconsideration of this application is therefore requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.